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April 27, 2004

Supreme Court Clerk  
P.O. Box 30052  
Lansing, MI 48909

RE: ADM File No. 2003-04

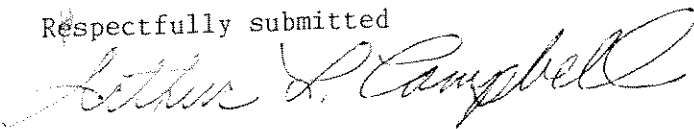
Subject: Comment on Special Order, 469 Mich. 1252, 1299-3000  
MCR 6.502. Motion For Relief From Judgment. Subsection 6.508(E)(1)(2)

Notwithstanding the limitations of section (E)(1)(2) of this chapter, a defendant convicted of a felony at trial after the effective date of the amendatory act that added this section shall file not later than five years after direct appeal. A defendant convicted of a felony at trial before the effective date of the amendatory act that added this section who is serving a prison sentence for the felony conviction shall be filed not later than five years after the effective date of the amendatory act [i.e. January 1, 2005 to January 1, 2010].

The above comment on proposals for MCR 6.508(E)(1)(2), Time Limitation, is adopted from the wisdom of MCL 770.16. DNA testing of biological material. Given the fact that 99% of all prisoner are functionally illiterate, the complexities of post-conviction litigation, and the strain approximately 50,000 Motions For Relief of Judgment would place on the judicial system, fairness, nor the appearance of fairness is conceivable in a 1 year time frame. Obviously, if it takes a law student four to five years to become learned in law, it isn't realistic to require an illiterate defendant convicted of a felony and serving time to learn the same in one year without professional assistance.

Additionally, I concur with observations, comments and suggestion made by Attorney James S. Lawrence. Especially those concerning length of motion and any memorandum of law in support (MCR 6.502(C)).

Respectfully submitted



Arthur L. Campbell

